

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BONDARY McCALL,

Plaintiff,

v.

**Civil Action 2:18-cv-1261
Judge Algenon L. Marbley
Magistrate Judge Chelsey M. Vascura**

STATE OF OHIO, *et al.*,

Defendants.

ORDER

This matter is before the Court for consideration of the October 22, 2018 Report and Recommendation of the United States Magistrate Judge, to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 5.) The Magistrate Judge recommended that the Court dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.

The Report and Recommendation of the Magistrate Judge specifically advises Plaintiff that the failure to object to the Report and Recommendation within fourteen days results in a "waiver of the right to have the District Judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." (Report and Recommendation 4, ECF No. 5.) The time period for filing objections to the Report and Recommendation has expired. Plaintiff has not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation of the Magistrate Judge. Noting that no objections have been filed and that the time for filing such objections expired, the

Court **ADOPTS** the Report and Recommendation (ECF No. 5) and **DISMISSES** this action **WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. If Plaintiff re-files this action, he is **ORDERED** to identify 2:18-cv-1261 as a related case. It is further **ORDERED** that the filing fee will not be assessed against Plaintiff in this matter. The Clerk is **DIRECTED** to enter judgment accordingly.

The Clerk is further **DIRECTED** to place ECF No. 6 under seal as it appears to contain Plaintiff's social security number.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALEGNON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: January 14, 2019